

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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TRAVELERS CASUALTY AND SURETY COMPANY  
as Administrator for RELIANCE  
INSURANCE COMPANY,

Plaintiff,

vs.

DORMITORY AUTHORITY – STATE OF NEW YORK,  
TDX CONSTRUCTION CORP. and KOHN PEDERSEN  
FOX ASSOCIATES, P.C.,

Defendants.

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DORMITORY AUTHORITY OF THE STATE OF  
NEW YORK AND TDX CONSTRUCTION CORP.,

Third-Party Plaintiffs,

vs.

TRATAROS CONSTRUCTION, INC.,

Third-Party Defendant.

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TRATAROS CONSTRUCTION, INC. and TRAVELERS  
CASUALTY AND SURETY COMPANY,

Fourth-Party Plaintiffs,

vs.

CAROLINA CASUALTY INSURANCE COMPANY;  
BARTEC INDUSTRIES, INC.; DAYTON SUPERIOR  
SPECIALTYCHEMICAL CORP. a/k/a DAYTON  
SUPERIOR CORPORATION; SPECIALTY  
CONSTRUCTION BRANDS, INC. t/a TEC; KEMPER  
CASUALTY INSURANCE COMPANY d/b/a KEMPER  
INSURANCE COMPANY; GREAT AMERICAN  
INSURANCE COMPANY; NATIONAL UNION  
FIRE INSURANCE COMPANY OF PITTSBURGH, PA;  
UNITED STATES FIRE INSURANCE COMPANY;

Case No. 07-CV-6915 (DLC)  
**ECF CASE**

**ANSWER TO  
OHIO CASUALTY'S  
CROSS-CLAIM**

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ALLIED WORLD ASSURANCE COMPANY (U.S.) INC.:  
f/k/a COMMERCIAL UNDERWRITERS INSURANCE :  
COMPANY; ZURICH AMERICAN INSURANCE :  
COMPANY d/b/a ZURICH INSURANCE COMPANY; :  
OHIO CASUALTY INSURANCE COMPANY d/b/a :  
OHIO CASUALTY GROUP; HARLEYSVILLE :  
MUTUAL INSURANCE COMPANY :  
(a/k/a HARLEYSVILLE INSURANCE COMPANY); :  
JOHN DOES 1-20 AND XYZ CORPS. 1-20, :

Fourth-Party Defendants. :

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Zurich American Insurance Company (“Zurich”), sued incorrectly herein as Zurich American Insurance Company d/b/a Zurich Insurance Company, by its attorneys Melito & Adolfsen P.C., answers the Cross-Claim of Fourth Party Defendant Ohio Casualty Insurance Company, d/b/a Ohio Casualty Group (“Ohio”), upon information and belief as follows:

1. Zurich denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs “2” through “22” and paragraphs “24” through “30” of the First Count of Ohio’s Cross-Claim.

2. Zurich denies the truth of the allegations contained in paragraph “23” of the First Count of Ohio’s Cross-Claim to the extent that those allegations are directed against Zurich, denies knowledge or information sufficient to form a belief as to the truth of the remaining allegations and refers all questions of law to the Court.

3. Zurich denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs “2” through “13” of the Second Count of Ohio’s Cross-Claim.

4. Zurich denies the Cross-Claim asserted by Ohio in its entirety and, to the extent applicable, incorporates its affirmative defenses as set forth in its Answer to the Fourth Party Complaint.

WHEREFORE, Zurich demands judgment:

- (1) Dismissing with prejudice Ohio's Cross-Claim against Zurich in its entirety; or
- (2) Awarding Zurich its costs and attorneys' fees incurred in the defense of this Cross-Claim; and
- (3) Granting Zurich such other and further relief as this Court may deem just and proper.

Dated: New York, New York  
February 21, 2008

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